

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff,

v.

SUMMIT CLASSICAL
CHRISTIAN SCHOOL,

Defendant.

CASE NO. C23-1368JLR

ORDER

Before the court is *pro se* Plaintiff Myriam Zayas's motion for "a refund for the 1000 dollars [she] paid on this case" in "this court and the appeals court." (Mot. (Dkt. # 14) at 2.) Because Ms. Zayas proceeded *in forma pauperis* ("IFP") in the district court, however, she did not pay the \$405 fee to file her civil complaint. (See IFP Order (Dkt. # 4); Compl. (Dkt. # 5) ("Receipt # IFP Granted"); *see generally* Dkt. (no receipt of filing fee).) The court therefore denies Ms. Zayas's request for a refund of the district court's civil case filing fee.

1 Ms. Zayas's IFP status was later revoked on appeal (*see* 1/3/24 Order (Dkt. # 13)),
2 and she paid the \$605 fee to file her notice of appeal (*see generally* Dkt). Ms. Zayas now
3 seeks a refund of that fee because she "would like to sue the school district instead."
4 (Mot. at 2.) But litigants are not entitled to a refund of filing fees based on a change of
5 heart. *See Starkgraf v. Lyons*, No. C23-5497TMC-GJL, 2024 WL 1722848, at *3 (W.D.
6 Wash. Apr. 5, 2024) (denying motion for refund following plaintiff's voluntary dismissal,
7 noting that "[t]he decision to file and prosecute a case is made solely by the plaintiff"),
8 *R&R adopted*, 2024 WL 1722848 (W.D. Wash. Apr. 22, 2024); *Green v. Bank of Am.*,
9 No. 2:12-cv-02093-GEB-CKD PS, 2012 WL 5032414, at *1 (E.D. Cal. Oct. 17, 2012)
10 (holding "voluntary dismissal of an action does not entitle the litigant to a refund of filing
11 fees"); *Thompson v. San Jose Police Dep't*, No. C 05-2195 JF (PVT) 2006 WL 1141324,
12 at *1 (N.D. Cal. May 1, 2006) (same); *Lucien v. DeTella*, 141 F.3d 773, 775 (7th Cir.
13 1998) ("Filing fees are part of the costs of litigation."); *Williams v. Roberts*, 116 F.3d
14 1126, 1127 (5th Cir. 1997) (holding that filing fees are "assessed for the privilege of
15 initiating an appeal, without regard to the subsequent disposition of the matter").

16 Accordingly, the court DENIES Ms. Zayas's motion (Dkt. # 14).

17 Dated this 6th day of May, 2024.

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19 JAMES L. ROBERT
20 United States District Judge
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